IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**O R D E R**

S.B.CRIMINAL MISC. PETITION NO. 1078/2006
(Tara Begum Vs. State of Rajasthan & Anr.)

Date of Order : 28/08/2006

**PRESENT**

**HON'BLE MR. JUSTICE H.R.PANWAR**

Mr. L.R.Calla for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.

**BY THE COURT**:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner seeks recalling of order dated 04.08.2006 passed by this Court in S.B.Criminal Misc. Petition No.1268/2005, whereby the misc. petition filed by the petitioner was dismissed.

Section 362 Cr.P.C. provides that save as otherwise provided by this Code or by any other law for the time being in force, no Court, when it has signed its judgment or final order, disposing of a case, shall alter or review the same, except to correct a clerical or arithmetical error.

In Moti Lal Vs. State of Madhya Pradesh, AIR 1994 SC 1544, the Hon'ble Supreme Court held that Section 362

Cr.P.C. in clear terms lays down that the court cannot alter judgment after the same has been signed except to correct clerical or arithmetical errors. That being the position, the High Court had no jurisdiction under Section 482 Cr.P.C. to alter the earlier judgment.

In the instant case, there is no clerical or arithmetical error in the order dated 4.8.2006.

Keeping in view, the decision of Hon'ble Supreme Court in Moti Lal Vs. State of Madhya Pradesh (supra), and three Judge Bench decisions of Hon'ble Supreme Court in Adalat Prasad Vs. Rooplal Jindal and Ors., JT 2004 (7) SC, 243 and Subramanim Sethuraman Vs. State of Maharashtra and Anr., 2004 CRI.L.J. 4609, the petition deserves to be dismissed.

The petition is accordingly dismissed.

**(H.R.PANWAR),J.**

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